IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5289 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARGAMBHAI NARSINGBHAI KACHELA

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

MR BAIJU JOSHI for Petitioners

MR PV HATHI for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 14/06/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution of India, the petitioners have challenged the show cause notice dated 9.5.2000 issued by the District Development Officer, Junagadh, calling upon the petitioners to show cause why they should not be removed

from the membership of Sutrapada Gram Panchayat. While issuing notice on 5.6.2000, this Court had passed an ad-interim order that if the District Development Officer, Junagadh passes an order of removal of petitioners pursuant to the show cause notice then the same shall not be implemented for 15 days from the date of the communication of the order to the petitioners.

2. Having heard Mr. Joshi, learned counsel for the petitioners and Mr. P.V. Hathi, learned counsel for the District Development Officer, Junagadh, it appears that this petition is not required to be entertained as it is against a show cause notice. No decision is taken by the authority. It is open to the petitioners to raise all contentions available to them before the concerned authority which shall pass appropriate orders in accordance with law after giving the petitioners an opportunity of being heard.

3. The learned counsel for the petitioners seeks permission to withdraw this petition with a request to continue the ad-interim relief in order to enable the petitioners to move the appellate authority for appropriate interim relief in case decision of respondent No. 1 is adverse to the petitioners.

4. It is clarified that this Court has not gone into the merits of the controversy between the parties. The competent authority shall decide the same in accordance with law without being influenced by any of the observations made in this order or even by the fact that this Court has granted temporary protection for a period of 15 days.

Since such a protection was already granted to the petitioners, this petition is permitted to be withdrawn with a direction that ad-interim relief granted on 5.6.2000 shall continue and if any order adverse to the petitioners is passed by respondent No. 1, the same shall not be implemented for a period of 15 days from the date of communication of the order to the petitioners.

5. Mr. P.V. Hathi prays for costs of the petition.

The petitioners shall pay respondent Nos. 1 and 2 Rs. 2000/- in one set towards costs of the petition within two weeks from today.

(M.S. SHAH, J)

(pkn)